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AUTOMATIC COVER SHEET

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DATE: AUG-21-2002 WED 05:48 PM

TO:

FAX #: 917038729306

FROM: MOLECULAR PROBES INC

FAX #: 15414658354

54 PAGES WERE SENT  

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P. 01

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**GROUP 1600**

Molecular Probes, Inc.

www.probes.com

P.O. Box 22010 • Eugene, OR 97402-0489 • (541) 465-8300



**Molecular  
Probes**

## **FAX Transmission Sheet**

Date: 08/21/02  
From: Koren J. Anderson, Ph.D. (Judi Ubando)  
To: Examiner C. Maupin  
Organization: USPTO- Group Art Unit 1637  
Fax: 1-703-872-9306  
Subject: Serial No. 09/557,275

You should receive 45 pages including this cover sheet.

THIS MESSAGE IS BEING SENT BY OR ON BEHALF OF A LAWYER. IT IS INTENDED EXCLUSIVELY FOR THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED. THIS COMMUNICATION MAY CONTAIN INFORMATION THAT IS PROPRIETARY, PRIVILEGED OR CONFIDENTIAL OR OTHERWISE LEGALLY EXEMPT FROM DISCLOSURE. IF YOU ARE NOT THE NAMED ADDRESSEE, YOU ARE NOT AUTHORIZED TO READ, PRINT, RETAIN, COPY OR DISSEMINATE THIS MESSAGE OR ANY PART OF IT. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY THE SENDER IMMEDIATELY BY FACSIMILE AND DELETE ALL COPIES OF THE MESSAGE.

## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Haugland and Yue )

Serial No.: 09/557,275 )

Examiner: C. Maupin )

Filed: April 24, 2000 )

Group Art Unit: 1637 )

For: AZA-BENZAZOLIUM  
CONTAINING CYANINE DYES )TRANSMITTAL LETTER )Assistant Commissioner for Patents  
U.S. Patent and Trademark Office  
Washington, D.C. 20231

Dear Sir:

Transmitted herewith are the following documents in the above-identified application.

☒ Response to Restriction Requirement☒ Marked-up Version of the Claims☒ Clean version of the Claims☒ Fee Transmittal Form (PTO/SB/17)In the unlikely event that the Fee Transmittal Form is separated from these transmitted documents the Assistant Commissioner is hereby authorized to charge the **Deposit Account 13-3900** for any fees due in connection with the filing of this

## CERTIFICATE OF TRANSMISSION

I HEREBY CERTIFY THAT THIS PAPER AND THE DOCUMENTS REFERRED AS BEING ATTACHED OR ENCLOSED HERewith ARE  
BEING FACSIMILE TRANSMITTED TO THE UNITED STATES PATENT AND TRADEMARK OFFICE ON 8/21/02 TO  
1.703.872.0906 By *[Signature]*

document. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

In the event that the Patent Office determines that these documents were not timely filed the Applicants hereby petitions the Assistant Commissioner for an extension of time and hereby authorizes the above-identified Deposit Account to be charged the appropriate fee under CFR § 1.17(a) for such a petition.

Respectfully submitted,

Date: Aug. 21, 2002

Karen J. Anderson  
Karen J. Anderson, PhD  
Reg. No. 51,061

Molecular Probes, Inc.  
P.O. Box 22010  
Eugene, Oregon, 97402  
Phone: (541) 984-5656  
Facsimile: (541) 465- 8354

PTO/SB/17 (10-01)

Approved for use through 10/31/2002. CMB 0951-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL  
for FY 2002**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 1018.00

**Complete if Known**

Application Number	09/557,275
Filing Date	04/24/2000
First Named Inventor	Richard P. Haugland
Examiner Name	C. Maupin
Group Art Unit	1637
Attorney Docket No.	

**METHOD OF PAYMENT**

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:
- Deposit Account Number **13-3900**
- Deposit Account Name **Molecular Probes, Inc.**
- ☒ Change Any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☒ Applicant claims small entity status. See 37 CFR 1.17
2. ☐ Payment Enclosed:
- ☐ Check ☐ Credit card ☐ Money Order ☐ Other

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	
108 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$) **1018.00****2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
74	-20** = 27	18.00	468.00
9	-3** = 3	84.00	252.00
Multiple Dependent		280.00	280.00

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 260	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) **1018.00**

\*\*or number previously paid, if greater. For Reissues, see above

**3. ADDITIONAL FEES (continued)**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,020	For filing a request for <i>ex parte</i> reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Sheet	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
148 740	248 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	
Other fee (specify)			

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) **1018.00****SUBMITTED BY**Name (print/type) **Koren J. Andersen, Ph.D.**Registration No. **51,061****Complete if applicable**Telephone **(541) 984-5656****Signature***Koren J. Andersen***Date***Aug. 21, 2002***WARNING: Information on this form may become public. Credit card information should not****be included on this form. Provide credit card information and authorization on PTO-2038.**

Business Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20535. SEND TO: Assistant Commissioner for Patents, Washington, DC 20531.

Received from **<15414658354>** at 8/21/02 8:20:35 PM [Eastern Daylight Time]

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Haugland and Yue )

Serial No.: 09/557,275 )

Examiner: C. Maupin )

Filed: April 24, 2000 )

Group Art Unit: 1637 )

For: Aza-Benzazolum Containing  
Cyanine Dyes )RESPONSE TO RESTRICTION  
REQUIRMENT )Assistant Commissioner for Patents  
U.S. Patent and Trademark Office  
Washington, D.C. 20231

Dear Sir:

The following is in response to the Restriction Requirement mailed on July 22, 2002 and is hereby submitted on or before the due date of August 22, 2002. A Marked-Up Version of the Claims is also enclosed with a Clean Version of the Claims (See, Transmittal).

The Examiner is respectfully requested to make the following amendments and to reconsider the Restriction Requirement.

## CERTIFICATE OF TRANSMISSION

I HEREBY CERTIFY THAT THIS PAPER AND THE DOCUMENTS REFERRED AS BEING ATTACHED OR ENCLOSED HERewith ARE BEING  
FACSIMILE TRANSMITTED TO THE UNITED STATES PATENT AND TRADEMARK OFFICE ON 8/21/02 TO 1.703.872.9306  
BY [Signature]

45/Election  
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